REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	18 August 1999
Name of applicant/court:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Cathy 07
Other Known Titles:	Photos\Hoskioki\Cathy\Cathy 07
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Stated
Language:	English

Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *Cathy 07*, also known as *Photos\Hoskioki\Cathy\Cathy 07*, is classified as:
Objectionable.

The publication is a computer image file of a black and white photograph. The image is accessed from a Jaz disk formatted for an AppleMac computer. The title is typed across the top of the page.

The image depicts a pre-pubescent girl engaging in sexual activity with an adult male. She has the bodily characteristics of a child, and appears to be aged somewhere between 6-10 years old. The girl is depicted engaging in vaginal intercourse with the man. She lies down with her legs spread apart. She wears a top but no bottom clothing. His erect penis, which he holds in place, is clearly visible penetrating her vagina. She looks down at his penis.

The publication gives the implicit message that children enjoy sexual activity with adults and helps to legitimise the notion that sexual activity between children and adults is acceptable. It focuses upon and promotes the sexual characteristics of female children to an adult audience. The viewer is encouraged to be sexually aroused by female children who are implicitly presented as desirable, viable and legitimate sexual partners. Therefore the publication promotes and supports the exploitation of children for sexual purposes as outlined under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act).

Section 3(2) of the FVPC Act overrides the New Zealand Bill of Rights Act 1990 (NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. Consequently the publication is deemed objectionable.

OFLC Ref: 9901218